

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DORAN SKANES,

Plaintiff,

v.

DAVID MAHONEY,

Defendant.

ORDER

Case No. 18-cv-190-wmc

Pro se plaintiff Doran Skanes is proceeding on an Eighth Amendment claim against defendant related to conditions at the Dane County Jail. On August 16, 2018, defendant filed a motion for summary judgment on exhaustion grounds, and the court set September 6, 2018, as plaintiff's deadline to oppose defendant's motion. The order that the clerk's office sent plaintiff was returned to the court marked undeliverable. Accordingly, the clerk's office determined that plaintiff may now be incarcerated at USP-Atlanta and re-sent the order to him on August 27, 2018. That order was not returned as undeliverable. However, since that time, plaintiff has failed to oppose the motion, nor has he sought an extension or otherwise provided the court with an indication that he plans to oppose the motion. While some of plaintiff's delay may be attributable to his transfer to a new institution, his continued failure to respond to defendant's motion suggests that he may have lost interest in pursuing this case and no longer intends to prosecute it.

Plaintiff will receive *one* more opportunity to submit a substantive response to defendant's motion. If he fails to do so by the new deadline, the court will dismiss this case with prejudice under Rule 41 of the Federal Rules of Civil Procedure for his failure to prosecute.

ORDER

IT IS ORDERED that plaintiff Doran Skanes may have until **November 5, 2018**, to file a response to defendant's motion for summary judgment. **If plaintiff does not respond by that date, the court will dismiss this case with prejudice under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to prosecute it.**

Entered this 15th day of October, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge